

AMENDED IN SENATE JULY 14, 2005
AMENDED IN SENATE APRIL 25, 2005
AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 767

Introduced by Senator Romero

February 22, 2005

~~An act to amend Sections 94736, 94739, 94740.3, 94740.5, 94746, 94802, 94905, 94945, and 94960 of the Education Code, relating to private postsecondary education. An act to add Chapter 4 (commencing with Section 5500) to Part 4 of the Education Code, relating to school district governance.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as amended, Romero. ~~Private postsecondary institutions: exemption from approval.~~ Los Angeles Unified School District: Appointment of board members.

(1) Existing law requires any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county to be governed by the board of education provided for in the charter of the city or city and county. Existing law requires the governing body of a school district to be composed of 7 members, elected as provided, for any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census. Existing law authorizes the governing board of any school district employing 8 or more teachers to employ a district superintendent for one or more schools and to delegate the duties of the superintendent.

This bill would establish the Mayoral Leadership to Improve Education in Los Angeles Act to require the mayor of the City of Los

Angeles to, upon a finding of educational failure, as defined, appoint any vacancies on the Los Angeles Unified School District (LAUSD) Board of Education and to appoint a new member upon the expiration of the term of an incumbent member. The bill would require the mayor to make the appointments from a list of nominations provided by a panel of advisers, which panel members are selected and composed as specified, and would require each appointment made by the mayor to be confirmed by a majority vote of the city council of the City of Los Angeles. The bill would require, upon the finding of educational failure, the governing board of the LAUSD to be expanded from 7 to 9 members, as provided, thereby imposing a state-mandated local program. The bill would also authorize the mayor, upon the finding of educational failure, to appoint the superintendent of the LAUSD, subject to confirmation by the city council by majority vote. The bill would authorize the mayor to rescind the finding of educational failure once certain minimal academic performance criteria are satisfied.

(2) This bill would make a legislative finding and declaration of unique circumstances in this regard.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law, the Private Postsecondary and Vocational Education Reform Act of 1989 (private postsecondary act), generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act establishes the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act. By its own terms, the act is repealed as of January 1, 2008.~~

~~An existing provision of the act defines the terms “Occupational Associate Degree,” “Associate of Occupational Studies,” and “Associate of Applied Science” to mean an associate degree that may~~

~~be awarded to students who complete an occupational program that provides preparation for employment in an occupational field, and specifies several types of associate degrees that are included within this definition.~~

~~This bill would specify that the AA or Associate Arts degree is included within this definition.~~

~~(2) An existing provision of the act specifies the types of institutions that are not included within the scope of the act, including institutions accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges that are incorporated and lawfully operating as either public benefit corporations or for-profit institutions.~~

~~This bill would provide that, notwithstanding these provisions, these institutions that are for-profit institutions are subject to the student and consumer protections and the bureau's oversight and the requirements of the act with respect to all of the vocational programs of instruction offered by the institution to the extent these protections and requirements would otherwise apply, given the characteristics and particulars of that program of instruction.~~

~~(3) Existing provisions of the act define "non-WASC regional accrediting agency" and "non-WASC regionally accredited institution," and thus make a distinction between the Western Association of Schools and Colleges (WASC) and other regional accrediting agencies and the institutions that are accredited by these agencies.~~

~~This bill would delete the terms "non-WASC regional accrediting agency" and "non-WASC regionally accredited institution" from the act, and replace these terms with "regional accrediting agency" and "regionally accredited institution," and thus delete the distinction between WASC and other regional accrediting agencies from the act.~~

~~(4) An existing provision of the act defines "vocational diploma program" as an educational program meeting specified criteria.~~

~~This bill would change that term to "vocational program," and would specify that one of the criteria to be met by a "vocational program" would be met by the awarding of any of each category of degree listed in the act's definition of "occupational associate degree."~~

~~(5) An existing provision of the act requires the bureau to forward complaints to the Western Association of Schools and Colleges that~~

~~the bureau receives pertaining to institutions accredited by that association.~~

~~This bill would specify that the bureau would forward these complaints when it has no oversight responsibility for the programs of instruction or for the institution that is the subject of the complaint.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4 (commencing with Section 5500) is
2 added to Part 4 of the Education Code, to read:

3
4 CHAPTER 4. MAYORAL LEADERSHIP TO IMPROVE EDUCATION
5 IN LOS ANGELES ACT

6
7 Article 1. General Provisions

8
9 5500. This chapter shall be known, and may be cited, as the
10 Mayoral Leadership to Improve Education in Los Angeles Act.

11 5501. The Legislature finds and declares all of the following:

12 (a) The schools in the Los Angeles Unified School District
13 (LAUSD) are facing severe academic, financial, and
14 infrastructure challenges.

15 (b) Pupils in the LAUSD are vastly underachieving. The base
16 score of the LAUSD on the state's Academic Performance Index
17 (API) remains well below the state average and almost 50
18 percent of schools of the LAUSD are ranked in deciles 1 to 3,
19 inclusive, on the API.

20 (c) A recent Harvard University report found that graduation
21 rates for pupils of the LAUSD are much lower than previously
22 acknowledged. Currently, the LAUSD is graduating less than 50
23 percent of its pupils.

24 (d) Classrooms and school infrastructure in the LAUSD are in
25 an unacceptable physical condition.

26 (e) Under the current governance structure, the LAUSD Board
27 of Education and its superintendent lack authority to coordinate
28 resources with local government agencies.

29 (f) Several major cities across the nation, including Boston,
30 New York, Chicago, and Cleveland, have implemented direct

1 *mayoral leadership in schools, resulting in both improved*
2 *academic achievement and additional resources for educational*
3 *programs.*

4 *5502. The purpose and intent of this chapter is to do all of the*
5 *following:*

6 *(a) Create a culture of strong leadership and accountability in*
7 *the LAUSD.*

8 *(b) Leverage financial resources from the City of Los Angeles*
9 *and better coordinate other funding to support education.*

10 *(c) Integrate the wide range of municipal services in the City*
11 *of Los Angeles, such as planning, transportation, recreation, and*
12 *security, with the needs of the LAUSD.*

13 *(d) Empower the mayor of the City of Los Angeles to bring*
14 *together teachers, parents, and people outside the traditional*
15 *education establishment giving the pupils in the LAUSD a*
16 *fighting chance to get the high quality education they deserve.*

17 *5503. For purposes of this chapter, the following terms shall*
18 *have the following meanings:*

19 *(a) "City council" means the City Council of the City of Los*
20 *Angeles.*

21 *(b) "Educational failure" means a determination by the mayor*
22 *that the LAUSD has not satisfied all of the following minimal*
23 *academic performance criteria:*

24 *(1) The base score of the LAUSD on the API is at or above*
25 *675 as reported by the department.*

26 *(2) The LAUSD has achieved adequate yearly progress as*
27 *required under the federal No Child Left Behind Act of 2001 (20*
28 *U.S.C. Sec. 6301 et seq.) for two consecutive years in a row as*
29 *reported by the department.*

30 *(3) The LAUSD has a dropout rate in each of four consecutive*
31 *years below 20 percent as reported by the department.*

32 *(c) "Governing board" means the seven-member Los Angeles*
33 *Unified School District Board of Education.*

34 *(d) "LAUSD" means the Los Angeles Unified School District.*

35 *(e) "Mayor" means the Mayor of the City of Los Angeles.*

36
37 *Article 2. Mayoral Appointment of the Los Angeles Unified*
38 *School District Board of Education*
39

1 5504. (a) Notwithstanding any other provision of law,
2 commencing January 1, 2006, upon a finding of educational
3 failure, a vacancy occurring on the governing board shall be
4 filled by appointment of the mayor. The finding shall be made at
5 least 125 days prior to the date of election for the members of the
6 governing board.

7 (b) Notwithstanding Chapter 1 (commencing with Section
8 5000) and Chapter 2 (commencing with Section 5200),
9 commencing January 1, 2006, upon the finding of educational
10 failure, an elected member of the governing board who occupies
11 an office as of January 1, 2006, shall remain in that office for the
12 remainder of his or her term and the mayor shall appoint a new
13 member upon the expiration of the term of the incumbent elected
14 member.

15 (c) If the mayor makes an appointment pursuant to subdivision
16 (a) or (b), the appointed member to the governing board shall be
17 appointed to a four-year term, but may be removed by the mayor
18 at any time.

19 5505. The terms and qualifications of appointed members
20 shall be the same as the terms and qualifications of the
21 previously elected members of the governing board.

22 5506. (a) Upon the finding of educational failure, the mayor
23 may appoint up to seven new members of the governing board as
24 provided in Section 5504.

25 (b) The mayor shall make appointments from a list of
26 nominations provided by a panel of advisers. The panel of
27 advisers shall be comprised of nine individuals, six selected by
28 the mayor and three selected by the president of the city council.
29 The panel members shall be a diverse group of community
30 leaders selected from academia, business, education
31 organizations, and parent organizations. The panel of advisers
32 shall nominate able persons broadly reflective of the economic
33 and geographic diversity of the City of Los Angeles and its
34 schools.

35 (c) Each appointment made by the mayor shall be subject to
36 confirmation by a majority vote of the city council.

37 5507. (a) Notwithstanding Sections 5224 and 5224.1, upon
38 the finding of educational failure, and the establishment of the
39 panel of advisers for the purpose of exercising the authority to
40 make an appointment to the governing board pursuant to this

1 chapter, the governing board shall be expanded from seven to
2 nine members.

3 (b) (1) The two additional members of the governing board
4 shall be residents of areas that are in the LAUSD but outside of
5 the boundaries City of Los Angeles and shall hold office numbers
6 1 and 2. The two additional members shall be appointed by a
7 selection committee formed by (i) the incorporated cities whose
8 jurisdiction overlaps the LAUSD and (ii) the Board of
9 Supervisors of the County of Los Angeles.

10 (2) The appointments shall be considered and acted upon at a
11 duly noticed meeting of the selection committee, which shall meet
12 in a government building and provide an opportunity for
13 testimony on the qualifications of the candidates for appointment.

14 (3) The vote of a city within the selection committee shall be
15 weighted in the same proportion that its population within the
16 LAUSD bears to the total population of the LAUSD less the
17 population of the City of Los Angeles. The vote of the county
18 shall be weighted in the same proportion that its unincorporated
19 population within the LAUSD bears to the total population of the
20 LAUSD less the population of the City of Los Angeles. Each
21 appointment shall be made by not less than a majority of all the
22 cities and the county, inclusive, representing not less than a
23 majority of the population of the LAUSD less the population of
24 the City of Los Angeles.

25 (4) The selection committee shall make appointments broadly
26 reflective of the economic and geographic diversity of the
27 represented communities.

28 (5) The initial terms of office shall begin on first day of the
29 July of the odd-numbered year following the finding of
30 educational failure. The initial and future terms of office for
31 office number 1 shall be four years. The initial term of office for
32 office number 2 shall be two years after which the term of office
33 shall be four years.

34
35 Article 3. Mayoral Appointment of the Superintendent of the
36 Los Angeles Unified School District
37

38 5508. Notwithstanding Article 3 (commencing with Section
39 35020) of Chapter 1 of Part 21, upon the finding of educational
40 failure, the mayor may appoint the superintendent of the LAUSD.

1 *The appointment shall be subject to confirmation by the city*
2 *council by majority vote. The appointed superintendent shall*
3 *serve at the pleasure of the mayor. The mayor shall honor the*
4 *contract of any incumbent superintendent, but is authorized to*
5 *exercise any buyout clause in the contract of the incumbent*
6 *superintendent to terminate his or her services.*

7
8 *Article 4. Mayoral Rescission*
9

10 *5509. The mayor may rescind the finding of educational*
11 *failure once the LAUSD satisfies all of the minimal academic*
12 *performance criteria in accordance with subdivision (b) of*
13 *Section 5503. Upon rescission by the mayor of the finding of*
14 *educational failure, elections for the seven seats shall be held in*
15 *accordance with Sections 5224 and 5224.1. If the governing*
16 *board was expanded from the seven to nine members pursuant to*
17 *Section 5507, the two additional offices shall cease to exist.*

18
19 *Article 5. Miscellaneous Provisions*
20

21 *5510. A school district other than the LAUSD whose territory*
22 *lies within the boundaries of the City of Los Angeles is not*
23 *subject to this chapter.*

24 *SEC. 2. The Legislature finds and declares that due to the*
25 *unique circumstances regarding the Los Angeles Unified School*
26 *District, a general statute cannot be made applicable within the*
27 *meaning of Section 16 of Article IV of the California*
28 *Constitution.*

29 *SEC. 3. If the Commission on State Mandates determines that*
30 *this act contains costs mandated by the state, reimbursement to*
31 *local agencies and school districts for those costs shall be made*
32 *pursuant to Part 7 (commencing with Section 17500) of Division*
33 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
April 25, 2005 (JR11)**

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